

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MARGOT SCOTT,

Plaintiff pro se,

v.

ROWAN COUNTY DEPARTMENT OF
SOCIAL SERVICES, et al.,

Defendants.

Civil Action
No. 06-6083 (JBS)

MEMORANDUM OPINION

SIMANDLE, District Judge:

This matter came before the Court on the motion of Defendant New Jersey Division of Youth and Family Services and Defendant New Jersey Department of Children and Families Interstate Services Unit to dismiss the complaint pursuant to Fed. R. Civ. P. 12 (b) (6) or for a more definite statement pursuant to Fed. R. Civ. P. 12(e). The Court finds as follows:

1. On September 12, 2007, the Court issued an Order granting the motion for a more definite statement and denying the motion to dismiss at that time.

2. However, the Court found that the Complaint lacked a short and plain statement of Plaintiff's claim, as Rule 8(a) requires, and failed to provide Defendant with the basic notice that the Rules contemplate.

3. Further, the Court was concerned that it might lack jurisdiction over the case, but was unable to determine whether that was so from the face of the Complaint.

4. Therefore, the Court granted the motion for a more definite statement and, consistent with Federal Rules of Civil Procedure 8(a) and 12(e), ordered Plaintiff to file an Amended Complaint within fifteen days of the entry of the Order. The Court explained that the Amended Complaint must set forth a short and plain statement of the grounds upon which this Court may exercise its jurisdiction over this case and a short and plain statement of her claim showing that she is entitled to relief from the named Defendants.

5. The Order for a more definite statement was entered on September 13, 2007. Fifteen days have passed and Plaintiff has not attempted to amend her Complaint.

6. Accordingly, pursuant to Rule 12(e), Fed. R. Civ. P., the Court may strike the Complaint; it is so ambiguous that it would not be reasonable to expect Defendant to respond to it and sufficient time has passed since the Court ordered Plaintiff to file a clearer statement of her claim. Thus, the Court shall dismiss the Complaint, pursuant to Rule 12(e) of the Federal Rules of Civil Procedure and the case shall be closed upon the docket. An accompanying Order shall be entered.

October 2, 2007
Date

s/ Jerome B. Simandle
Jerome B. Simandle
U.S. District Judge